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19 UNITED STATES DISTRICT COURT

20 DISTRICT OF NEVADA

21 TAMARES LAS VEGAS PROPERTIES,
22 LLC; PLAZA HOTEL & CASINO, LLC; and
23 T-UPR, LLC,

24 Plaintiffs,

25 vs.

26 THE TRAVELERS INDEMNITY
27 COMPANY,

28 Defendant.

Case No. 2:16-cv-02933-JAD-NJK

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(Fifth Request)

Plaintiffs Tamares Las Vegas Properties, LLC, Plaza Hotel & Casino, LL, and T-UPR, LLC (collectively "Plaintiffs") and Defendant The Travelers Indemnity Company ("Travelers"), by and through their respective counsel of record, hereby stipulate and request that the Court extend the discovery deadlines identified herein by approximately seventy-seven (77) days. This is the parties' fifth request to extend the discovery deadlines in this matter. The Court previously granted extensions of ninety (90) days on September 8, 2017, forty-five (45) days on November 13, 2017, thirty (30) days on January 18, 2017 and thirty (30) days on March 9, 2018. The primary reason for this request is that the parties anticipate it will take at least seventy-seven (77)

1 days to complete the depositions of the parties' respective expert witnesses whose testimony they
2 wish to obtain before filing dispositive motions.

3 Pursuant to Local Rule 26-4, the parties state as follows:

4 **I. DISCOVERY COMPLETED TO DATE**

- 5 • The parties conducted the Fed. R. Civ. P. 26(f) conference.
- 6 • The parties have exchanged initial and supplementary disclosures of documents
7 and lists of witnesses, including the exchange of thousands of pages of documents.
- 8 • The parties have propounded and responded to multiple sets of written discovery
9 requests, including requests for admissions, requests for production of documents
10 and interrogatories.
- 11 • The parties have issued subpoenas *duces tecum* to approximately twenty-five (25)
12 non-parties for documents relating to the alleged claim and loss, resulting in
13 collection of tens of thousands of pages of documents. Some of those document
14 subpoenas remain outstanding and the parties are working with the recipients to
15 obtain records in response.
- 16 • The parties have completed eighteen (18) depositions, including depositions of
17 their respective representatives and employees and those of several non-parties.
- 18 • Travelers has conducted (2) two site inspections of the subject premises.
- 19 • The parties' have engaged in extensive meet and confer efforts and have resolved,
20 a number of issues relating disputes with respect to their respective discovery
21 responses and depositions.
- 22 • Plaintiffs have provided the Defendant with their expert witness disclosures
23 pursuant to Fed. R. Civ. P. 26(a)(2) and corresponding expert reports.
- 24 • Defendant has provided Plaintiffs with their expert witness disclosures pursuant to
25 Fed. R. Civ. P. 26(a)(2) and corresponding expert reports.
- 26 • Plaintiffs have provided the Defendant with rebuttal expert reports and two (2)
27 additional rebuttal expert witness disclosures pursuant to Fed. R. Civ. P. 26(a)(2).
28

1 **II. DISCOVERY TO BE COMPLETED**

- 2 • Depositions of expert witnesses.

3 The above list is made without prejudice to any party's ability to conduct additional
4 discovery consistent with the Federal Rules of Civil Procedure.

5 **III. REASONS WHY THE DEADLINES CANNOT BE COMPLETED WITHIN**
6 **THE CURRENT SCHEDULE**

7 As noted in the original Discovery Plan and Scheduling Order, this is a complex insurance
8 coverage action arising out of alleged storm damage to the Plaza Hotel & Casino in downtown
9 Las Vegas. The additional time for expert discovery is requested primarily to allow for the
10 completion of the depositions of the thirteen (13) identified expert witnesses designated by the
11 parties. The requested extension is expected to provide the parties with sufficient time to
12 complete the expert depositions by September 7, 2018 and for the parties to obtain deposition
13 transcripts and review that testimony before providing filing their respective dispositive motions.
14 Specifically, the parties have agreed to the following expert deposition schedule:

- 15
- 16 • June 22, 2018 – Alan Mooney of Criterium Engineers in New York, NY;
 - 17 • July 10, 2018 – Karen Terry of Risknomics in San Diego, CA;
 - 18 • July 10, 2018 – Theresa Lopeman-Cortese of Risknomics in San Diego, CA;
 - 19 • August 8, 2018 – Michael LoGiudice of CBIZ Corporate Recovery Services in Las Vegas, NV;
 - 20 • August 9, 2018 – Don Gifford of Gifford Consulting Group, LLC in Las Vegas, NV;
 - 21 • August 10, 2018 – John Breuer of Whiting-Turner in Las Vegas, NV;
 - 22 • August 14, 2018 – Dr. Elizabeth Austin of Weather Extreme in Las Vegas, NV
 - 23 • August 15, 2018 – Derek Downey of Legal Pool Experts in Las Vegas, NV;
 - 24 • August 16, 2018 –William Badini of Inversion Consulting, LLC in Las Vegas, NV;
 - 25 • August 22, 2018 – George Coto of J.S. Held in New York, NY;
 - 26 • August 23, 2018 – John Held of J.S. Held in New York, NY;
 - 27 • August 29, 2018 – Steven Rosenthal of RGL Forensics in San Francisco Bay Area, CA; and
 - 28 • September 5, 2018 - Paul Christoferson of J.S. Held in New York, NY.

1 The parties have worked cooperatively over the last several months to complete fact
2 discovery and will continue to do so in order to minimize any delay in completing the expert
3 discovery that remains.

4 In sum, this extension is intended to allow the parties additional time to complete the
5 depositions of the parties' respective expert witnesses before the close of expert discovery
6 because 30 days to complete thirteen (13) expert depositions, most of which require both parties
7 to travel out of state, will not be sufficient. The parties agree that this request is not made for the
8 purpose of delay, but to ensure a just adjudication of the case on the merits, and that none of them
9 will be prejudiced by the requested extension.¹

10 **IV. PROPOSED SCHEDULE**

11 WHEREFORE, the parties respectfully request that this Court extend discovery deadlines
12 as follows:

13 EVENT	14 CURRENT DEADLINE	15 PROPOSED DEADLINE
16 Plaintiffs' Designation of Expert Witness(es)		17 COMPLETED
18 Defendant's Designation of Expert Witness(es)		19 COMPLETED
20 Close of Fact Discovery		21 COMPLETED
22 Plaintiffs' Disclosure of Rebuttal Expert Testimony		23 COMPLETED
24 Close of Expert Discovery	25 June 22, 2018	26 September 7, 2018
27 File Dispositive Motions	28 July 23, 2018	October 8, 2018
Joint Pretrial Order	August 23, 2018	November 8, 2018 *In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until 30 days after the decision of the dispositive motions or further order of Court.

¹ This Joint Filing by the parties has no effect as it relates to Plaintiffs' pending motion to amend their complaint (ECF Dkt. No. 70) *sub judice*.

**Stipulation and Order to Extend
Discovery Deadlines (Fifth Request)**

Dated June 18, 2018

Dated June 18, 2018

WEG & MYERS, P.C

FORAN GLENNON PALANDECH PONZI
& RUDLOFF PC

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ORDER

IT IS SO ORDERED.

DATED June 19, 2018


UNITED STATES MAGISTRATE JUDGE